

No. 70, S.]

[Published July 16, 1953.]

**CHAPTER 457**

AN ACT to amend 171.07 (1) to (4) of the statutes, relating to the status of property transported by or left in custody of a common carrier.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

171.07 (1) to (4) of the statutes are amended to read:

171.07 (1) Any property transported or stored *with*, or left with any \* \* \* common carrier, including property checked in any check room or parcel locker maintained upon the premises of such carrier, shall be subject to a lien for the lawful charges thereon for the transportation and storage thereof.

(2) (a) If any property not perishable in its nature shall be permitted to remain in the possession of \* \* \* common carrier, unclaimed or refused, for a period of 60 days, with the lawful charges thereon due and unpaid, such \* \* \* common carrier may proceed to sell the same at public auction at its \* \* \* station at the destination of the shipment, or point of storage or checking of said property, after mailing at least 10 days' notice by United States mail of the amount of the charges to the consignor and consignee, if it be property transported by it, and to the owner if it be property stored or checked by it, if their whereabouts are known, or if their whereabouts be unknown, then as to property transported, to the consignor at the originating point of the shipment and to the consignee at the destination of the shipment, and in addition thereto posting, at its \* \* \* station, in a conspicuous place accessible to the public, for a period of not less than 10 days \* \* \*, a notice of the time and place of the proposed sale \* \* \*. Said notice shall contain a description of the property to be sold, if known, and if not, a description of the package in which it is contained, the amount of charges thereon and the name of the consignee and consignor thereof, or the owner thereof, if known; provided, \* \* \* if there \* \* \* is no satisfactory bid at such auction sale, the \* \* \* common carrier may remove the property to some other city of not less than 5,000 inhabitants within the state and there proceed to sell the same at public auction after giving additional notice by mailing and posting as hereinbefore provided.

(b) If any property not perishable in its nature shall be left upon any vehicle or upon the premises of any common carrier, other than by storing or checking the same, said common carrier shall store the same subject to the order of the owner thereof, and, if the same be unclaimed for a period of 60 days, such common carrier may proceed to sell the same at public auction in the manner and upon notice as specified in sub. (a).

(3) Fruit, fresh fish, oysters, game \* \* \* and other perishable property after having been retained for 24 hours after notice to consignee, if he be known, may be sold, either at public or private sale in the discretion of the \* \* \* common carrier for the highest price that the same will bring.

(4) After the lawful charges of the \* \* \* common carrier for transportation and storage for the period of compulsory retention shall be deducted from the proceeds of the sale, the overplus, if any, shall be held by the \* \* \* common carrier subject to the order of the owner, and, at any time within 12 months after such sale, upon the demand of the owner, the \* \* \* common carrier shall pay the same to him.

Approved July 7, 1953.